

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objections to the specification

The examiner has objected to the title as being not descriptive so as to help one having ordinary skill in the art to understand the nature of the subject matter.

The title has been amended to read --A METHOD OF RAISING FUNDS FOR A CALL RECEIVER IN A TELECOMMUNICATION SYSTEM--.

It is respectfully submitted that the amended title is clearly descriptive to help one having ordinary skill in the art to understand the nature of the subject matter, since the invention sets forth a method whereby a receiver in a telecommunication system raises funds.

Accordingly, withdrawal of the objection is requested.

In the claims

Claims 1-3 have been amended to more clearly express the present invention.

Claim 1 is amended to clarify that the incoming call connection is made with respect to an incoming call from a telecommunication device used by an originator. This is supported in the specification at lines 15-25 of page 2, lines 21-22 of page 5, and pages 3, 4, 7, and 8 generally.

Claim 1 is further amended, in order to avoid confusion between “the price of the incoming call” and “operational costs,” to replace the recitation of “the price of the incoming call” with the general description of the “amount” charged. This is supported generally in the specification and in the abstract which describes “allowing this data processing entity to charge the giver with an amount covering both operational costs of the data processing entity and an action specific amount [...].”

Claim 2 is amended to refer to “the telecommunication device used by said originator” for consistency with amended claim 1, and is supported in the specification as described above.

Claim 2 is further amended to clarify that, on a telecommunication device, information regarding the recited options may be give either aurally or visually or both. This is supported at line 25 of page 3 through line 11 of page 4, since persons skilled in the art would recognize that a conventional (fixed or wireless) telephone is typically an aural device, while a telephone capable of SMS messaging would include a visual display.

Claim 2 is further amended to replace the phrase “pressing a number” with the phrase “appropriately selecting via the telecommunication device a number.” This amendment is supported, with respect to “selecting”, throughout the specification and particularly at lines 20 of page 3 through line 5 of page 4. Support for “via the telecommunication device” is supported as describe above with respect to “the telecommunication device.”

Claim 3 is amended in a manner similar to claim 2, and is such amendments are similarly supported in the specification.

Claim 18 is amended to refer to “the telecommunication device used by said originator” for consistency with amended claim 1, and is supported in the specification as described above.

Rejection of claims 1-3 and 18 under 35 U.S.C. § 112, first paragraph

Claims 1-3 and 18 presently stand rejected as failing to comply with the enablement requirement. In particular, the examiner asserts that the specification does not appear to support “a process wherein a caller or a user of a cell phone (call originator) places a call to a receiver or called party via a telecommunication service (service provider) or data processing entity, which agrees to charge a price, consisting of an operational cost (standard cost) and an action-specific amount, to the call originator and wherein the action-specific amount is donated or forwarded to the receiver of the incoming call.”

More particularly, the examiner asserts that the specification does not show how a call originator places a call to a call recipient and the call recipient receives an action-specific amount charged to the caller or call originator.

The examiner additionally states that “further, there is no incentive for providing the action-specific amount to the receiver for accepting the incoming phone call from the caller/call originator,” and the examiner adds that “this becomes more confusing if the receiver happens to be a charity.”

It is respectfully submitted that any incentive for providing an action-specific amount to a receiver for accepting the incoming call is not relevant to the question of enablement.

Moreover, it is submitted that: 1) a call recipient as a clear incentive to receive funds (and *especially* wherein the receiver/recipient is a charity desiring to raise funds); 2) a call originator would have an incentive to make a donation or payment to such a call recipient in a variety of circumstances (and *especially* when the call recipient is a charity to which the call originator desires to donate funds); and 3) a business operator would have an incentive to provide a service for pay (the operational cost) as a revenue-generating business.

Support is clearly stated in the specification for an action-specific amount donated or forwarded to a receiver of an incoming call.

The examiner is referred to Fig. 2, and the related discussion at line 28 of page 7 through line 20 of page 8. Step 22.1 of the process illustrated by the flow chart of Fig. 2 indicates transfer by the data processing entity of the action-specific amount to the receiver.

Further, the examiner is referred to the first paragraph of page 7 which states, in reference to Fig. 1, that a data processing entity can be either a telecommunication company, a financial institution, a lottery company, or an institution related to the fundraising, which is connected to the giver by a link representing the flow of a *debit*

order from the giver to the collecting data processing entity of both the action-specific and operational cost amounts.

The second paragraph of page 7, again referring to Fig. 1, states that a receiver is connected to the data processing entity by a signal representing the flow of a **credit order** from the raised funds (i.e., the amount of the debit order less operational costs) from the data processing entity.

Thus, transfers of funds between parties are made by credit or debit orders. It is respectfully submitted that such credit and debit orders, electronic transfers of credit and debit orders, and other means of transferring money or funds between parties are well known.

A patent *need not teach, and preferably omits*, what is well known in the art. In re Buchner, 929 F.2d 660, 661 (Fed. Cir. 1991); Hybritech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1384 (Fed. Cir. 1986), cert. denied, 480 U.S. 947 (1987); and Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463 (Fed. Cir. 1984).

Additionally, the claims have been amended to more clearly describe the present invention as set forth in the specification.

Accordingly, it is respectfully submitted that the claimed invention is clearly supported in the specification, and withdrawal of this rejection is requested.

Rejection of claims 1-3 and 18 under 35 U.S.C. § 112, second paragraph

Claims 1-3 and 18 presently stand rejected as being indefinite. In particular, the examiner states that “although claim 1 recites in the preamble a ‘method of raising funds by using existing communication means’, however, the body of the claim never explicitly refers back to any ‘fund raising method’.”

Applicant notes that “raising funds” simply refers to acquiring funds, i.e. money or another representation of monetary or other value. It is respectfully submitted that persons skilled in the art would readily recognize that funds are raised by the receiver since claim

1 specifically points out that a portion of an amount charged to the originator of a call is forwarded by the data processing entity to the receiver of the call.

Applicant respectfully submits that the fund-raising aspect of the claimed invention is clearly expressed without further explanation or elaboration, and that claim 1 is not at all indefinite or confusing in this regard. However, claim 1 has been amended to recite that the amount is "forwarded by said data processing entity to said receiver if the incoming call *whereby funds are raised by said receiver.*"

For at least these reasons, withdrawal of this rejection is requested.

Conclusion


In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-3 and 18 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,

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